

**U.S. DEPARTMENT OF JUSTICE**

**950 PENNSYLVANIA AVENUE  
N.W. WASHINGTON, D.C. 20530**

**CIVIL DIVISION**

**Attn: U.S. Attorney General**

Wessie Sims, Plaintiff  
vs  
City of Philadelphia et al.

Defendants

Civil Action  
No. 12\_5486  
Date: Sept. 14, 2015

Letter of the Law  
U.S. Const. art. VI, sect. 2.

Where plaintiff filed and served certification by the Court under 28 u.s.c.2403 on 07/29/2015 civil division.

- (c) The Court may reject the Constitutional challenge, but may not enter a final judgment holding the Statue unconstitutional. Rule 5.1.  
Constitutional challenge to a Statue.

**Jurisdictional Statement:**

1. The District Court had jurisdiction over this matter under 12 u.s.c.1331 where this matter arose under the Constitution, laws, or treaties of the United States.

**Due Process of Law of the Land**  
**U.S. Const. Art. VI, sect 2**

2. Where there was no trial in this case: courts must provide by rule for scheduling trials Fed. Rule 40 amended April 30, 2007 effective Dec. 1, 2007. The law was not followed, a trial before a court that has proper jurisdiction.
3. U.S. Const. art VI, sect. 2.:

By the law of the land is most clearly intended the general law which hears before it condemns which proceeds upon inquiry and renders judgment only after trial.

**Dupuy v. Tedora, 204 La.  
560,15, So. 2d 886, 891**

4. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of general rules, which govern society.
5. The Due Process Clause of the Fourteenth Amendment States:

**Nor shall any state deprive any person  
of like, liberty, or property without  
like Due Process of Law.**

6. The most familiar office of the Due Process Clause is to provide a guarantee of fair procedure in connection with any deprivation of life, liberty, or property by a state.

**See: Daniels v. Williams  
474, U.S. 327, 331, (1986).**

7. Ku Klux Act: Federal Statue which creates civil liability for interfering with a persons civil rights.

**C.A. 1985 (3)**

8. Without a trial, plaintiff's rights was violated under both federal and state law.

**Collins v. Harker Heights, Texas  
Court of Appeals for the Fifth Circuit  
No. 90 1279 argued Nov. 5, (1991)  
Decided Feb. 26, (1992).**

- a. The Court held in reviewing this rule 12(b) (6) dismissal, we will keep them separate:

**916 F. 2d. at 286 287**

- b. Holding proper analysis requires it to separate two different issues when a 1983 claim is asserted against a municipality:
  1. Whether plaintiff's harm was caused by a constitutional violation.
  2. If so, whether the city is responsible for that violation.

**Quoting Monell, supra, at 694.**

3. It is when the execution of the government policy or custom inflicts the injury that the municipality may be held liable under (1983).

- c. Pennoyer v. Neff 95, u.s.733,24, L, Ed. 565  
Supreme Court Oct. (1877).

Sect. 8 the term, Due Process of Law when applied to judicial proceedings, means a course of legal proceedings according to those rules and principles which have been established by our jurisprudence for the protection and enforcement of private rights. There must be a competent tribunal to pass upon this subject matter.

Attorney General chief law officer of the federal government:

**Executive Order No. 9808**  
**Dec. 5, (1946) 11 F.R. 14153**  
**By President Harry S. Truman**

- (a) Provides: The constitutional guarantees of individual liberties and equal protection under the laws clearly place on the federal government the duty to act when state or local authorities abridge or fail to protect these constitutional rights.

**U.S. Const. art. VI, sect 2.**

- (b) This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.
  - (1) Art. IV the provision states that the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.
  - (2) XIV Amendment provides that no state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States.

**Title 42 U.S.C.A. 1983 Rev. stat. 1979**  
**Derived from 1 of the Civil Rights act of**  
**April 20, (1871) 17 stat. 13**  
**Provides:**

That any person who under color of any law statue, Ordinance, Regulation, Custom, or usage of any state shall subject, or Cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges or immunities secured by the Constitution of the United States shall, any such law, statue, ordinance, regulation, Custom, or usage of the state to the contrary notwithstanding be liable to the party injured in any action at law suit in equity or

other proper proceeding for redress to be prosecuted in the several district or Circuit Courts of the United States.

**Supreme Court Oct. (1879)**  
**Ex parte Virginia**

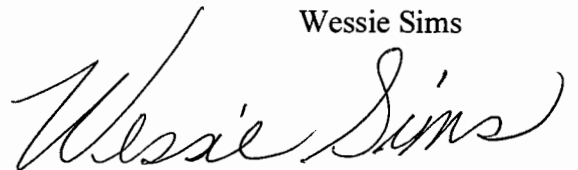
- A. Sect. 2. The section of the act entitled, an act to protect all citizens in their civil and legal rights approved March 1, (1875).

**Forty-First Congress sess. 11. Ch. 114 1870**  
**Civil Rights Bill Re-enacted 1866 Ch. 31**  
**Vol. XIV. P. 27.**

- (a) Sec. 18 and be it further enacted, that the act to protect all persons in the United States in their civil rights, and furnish the means of their vindication, passed April Nine, Eighteen Hundred and Sixty-Six, is hereby re-enacted; and sections sixteen and seventeen hereof shall be enforced according to the provisions of said act.
- (b) Sect. 16 and be it further enacted that all persons within the jurisdiction of the United States shall have the same right in every state and territory in the United States to sue be parties give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens and any law of any state in conflict with this provision is hereby declared null and void.
- (c) Sect. 17. And be it further enacted that any person who, under color of any law, statue, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any state or territory to the deprivation of any right secured or protected by the last preceding section of this act, penalty for violation of provisions of preceding section.
- (d) Under oath of allegiance to the Constitution  
Art. 11, sec. 1. And art VI, U.S. Constitution as required of judicial officer.

Respectfully Submitted,

Wessie Sims

A handwritten signature in black ink, reading "Wessie Sims", written in a cursive style.

**Certificate of Service**

Civil Action  
No. 12\_5486  
Sept. 14, 2015

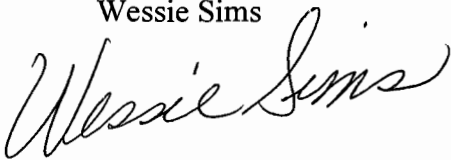
The undersigned hereby certify that a true and correct copy of letter of the law U.S. Const.art VI. Sect 2 was served by certified mail return receipt requested on September 14, 2015 to office of the Clerk for United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106.

A true and correct copy of letter of the law U.S. Const. art VI. Sect 2 mailed first class United States mail postage pre-paid on September 14, 2015.

By the Clerk Mail:  
All correspondence to:  
Attorney of Record  
Plaintiff's Agent  
Sharon N. Harvey, Esq.  
By email address.

Name: Craig Straw, Esq.  
Law Department  
14<sup>th</sup> Floor  
City of Philadelphia  
1515 Arch Street  
Philadelphia, PA 19102

Wessie Sims

A handwritten signature in cursive script that reads "Wessie Sims". The signature is written in dark ink and is positioned below the printed name "Wessie Sims".

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**Conclusion**

Wherefore, I pray the U. S. Justice Department serve justice where justice is due. Allow the pro-se petitioner to offer proof.

**Citing Haines V. Kerner 427.F.2d.71. (1972).**

Respectfully Submitted,

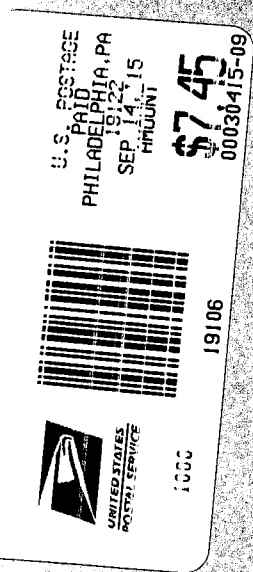
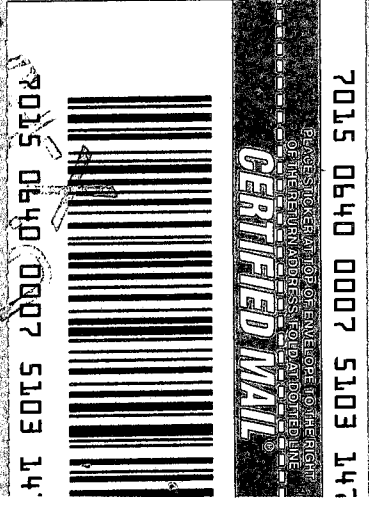
Wessie Sims pro\_se  
U.S. Citizen  
4925 W. Stiles Street  
Philadelphia, PA 19131

A handwritten signature in cursive script that reads "Wessie Sims". The signature is written in black ink and is positioned below the typed name and address.



Philadelphia, PA 19131

RETURN RECEIPT  
REQUESTED



Office of the Clerk  
for United States District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA  
19106